

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 3143 of 2007(Y)

PETITIONER:

HARIKRISHNAN.M.R.,
MOHANA SADANAM, KOONAYIL,
PARAVUR P.O., KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY
SECRETARY TO GOVERNMENT, MINISTRY OF HUMAN
RESOURCES DEVELOPMENT, NEW DELHI.
2. JOINT SECRETARY, CENTRAL BOARD OF
SECONDARY EDUCATION, REGIONAL OFFICE,
16TH MAIN ROAD, ANNA NAGAR (WEST), CHENNAI-40.
3. REGIONAL OFFICER, REGIONAL OFFICE,
CENTRAL BOARD OF SECONDARY EDUCATION,
16TH MAIN ROAD, ANNA NAGAR (WEST),
CHENNAI-40.

BY ADV. SRI.DEEPU THANKAN, CGC
SHRI.DEVAN RAMACHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C).No. 3143/07.

APPENDIX

PETITIONER'S EXHIBITS:

- P1. COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER BY THE BOARD.
- P2. COPY OF THE CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS.
- P3. COPY OF THE APPLICATION BEFORE R3.
- P4. COPY OF THE ORDER DTD.9.10.06 OF R2.
- P5. COPY OF THE JUDGMENT IN W.P.C.NO.5317/06.

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///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.3143 of 2007

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Dated this the 26th day of July, 2007

J U D G M E N T

The petitioner seeks correction of his date of birth in the mark list and certificate issued by the Central Board of Secondary Education. The same has been rejected on the ground that the petitioner has not applied within the time prescribed in the concerned regulations. The question as to whether the time limit fixed in the Regulations is mandatory in nature, has been considered by a learned Single Judge of this court in W.P(C).No.37476/2004 and by judgment dated 27.3.2006, the learned Judge held that it is only directory in nature. I respectfully agree with the said decision. In this case, the petitioner has, by producing Ext.P2 birth certificate issued by the Registrar of Births and Deaths, proved that the petitioner's correct date of birth is 12.9.1983. In the above circumstances, Ext.P4 is quashed and respondents 2 and 3 are directed to

effect correction as requested for by the petitioner in accordance with Ext.P2 birth certificate issued by the Registrar of Births and Deaths. This shall be done within two weeks from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

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Sd/-
S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.